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EXAMINER BELANI, KISHIN G				
ART UNIT 2143		PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Office Action Summary

Application No.

10/748,042

Applicant(s)

MAZZOLA, DIEGO RAUL

Examiner

KISHIN G. BELANI

Art Unit

2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 July 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,5-8,10-15,18-22 and 25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,5-8,10-15,18-22 and 25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/08)
Paper No(s)/Mail Date 01/25/2008
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This action is in response to Applicant's RCE filed on 07/10/2008. **Independent claims 1, 10 and 19** have been amended. **Claims 3, 4, 9, 16, 17, 23 and 24** have been cancelled. No new claims have been added. **Claims 1, 2, 5-8, 10-15, 18-22 and 25 are now pending** in the present application. The applicant's amendments to claims are shown in ***bold and italics***, and the examiner's response to the claim amendments is shown in **bold** in this office action.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 07/10/2008 has been entered.

Claim Objections

Claim 6 is objected to because of the following informalities:

Claim 6 improperly depends on claim 1, because it fails to further limit the claimed elements disclosed in claim 1.

Claim 10 is objected to because of the following informalities:

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At the end of claim 10, there is an additional text (three lines) that needs to be deleted.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1, 2, 6, 8, 10-14, 18-21 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Kelton et al. (U.S. Patent Application Publication # 2004/0125779 A1)** in view of **Jouppi et al. (U.S. Patent Application Publication # 2002/0177413 A1)**.

Consider **claim 1**, Kelton et al. show and disclose a method of QoS provisioning **one or more** non-QoS capable home **local area network** LAN devices on a home network having a gateway (Figs. 1-5 that show a multimedia server wirelessly linked with wireless devices in various combinations with QoS and non-QoS multimedia rendering devices on a home LAN; paragraph 0008 that discloses an in-home local area network with a server providing access to the Internet for the connected devices; paragraph 0174 that discloses QoS features of the invention, including reserving longer timeslots (in a TDMA transmission) for "preferred" customers, so as to provide them with larger bandwidth than the non-QoS customers; paragraph 0057, lines 4-9 which disclose that the multimedia server 42 of Fig. 2 may be incorporated within a modem of a gateway), comprising:

running an HTTP protocol on a web browser associated with the gateway on the home network (paragraph 0060, lines 3-13 that disclose the multimedia server running web browser applications (using HTTP protocol) and receiving requests from wireless devices 46-54, for their respective clients 26-34, an indication of desire to access the wide area network 44);

receiving and storing one or more QoS parameters in the gateway (paragraph 0015, lines 5-9 that disclose a user or a system administrator providing client priority level to receive QoS preference; paragraph 0021, lines 10-13 that disclose the same details);

prioritizing the data communication traffic between a plurality of home LAN devices on the home network based on the QoS needs of all the QoS capable and

non-QoS capable devices on the home network (paragraph 0015 that describes different scenarios that require time-changing needs of client devices and channel resources, as well as priority based resource allocation; paragraph 0174 that also discloses priority bases resource allocations); ***and adjusting the QoS parameters of the QoS capable home LAN devices based on the traffic priorities established*** (paragraph 0015 that discloses several adjustments to the QoS parameters of the QoS capable home LAN devices based on the traffic priorities established); ***and transmitting the data communications between the home LAN devices on the home network based on the QoS needs of all the devices on the home network*** (Fig. 1; paragraph 0052-0053 that describe how the server transmits multimedia data to various devices on the home LAN by multiplexing the data allocated to each device).

However, Kelton et al. do not specifically disclose ***manually polling a user for the one or more QoS parameters of the non-QoS capable home LAN device; and determining the QoS requirements of the LAN device on the home network based on the manual input, wherein the determination is employed to establish a connection between the devices on the home LAN, and to manage the exchange of information between the devices based on the QoS needs of the devices.***

In the same field of endeavor, Jouppi et al. disclose the claimed method, including ***manually polling a user for the one or more QoS parameters of the non-QoS capable home LAN device, and determining the QoS requirements of the LAN device on the home network based on the manual input, wherein the***

determination is employed to establish a connection between the devices on the home LAN, and to manage the exchange of information between the devices based on the QoS needs of the devices (Fig. 2; paragraphs 0034-0037 which disclose a need to set up a connection at a specific QoS level; further disclosing that the execution environment of the application polls the wireless terminal MT1 and checks the properties of the terminal, comparing them with the QoS parameters requested by the application; if it is determined that the wireless terminal MT1 cannot implement the requested QoS parameters, the application next determines if it is possible to change some of the QoS parameters to ones that correspond to the properties of the terminal; paragraph 0038 which further discloses that the user may set up his/her own requirements for the quality of service, including minimum bit rate or maximum price for the connection, and/or other QoS parameters for the connection).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to ***manually poll a user for the one or more QoS parameters of the non-QoS capable home LAN device; and determining the QoS requirements of the LAN device on the home network based on the manual input, wherein the determination is employed to establish a connection between the devices on the home LAN, and to manage the exchange of information between the devices based on the QoS needs of the devices***, as taught by Jouppi et al., in the method of Kelton et al., so as to provide a connection meeting QoS requirements

specified by the user and the QoS properties of the other devices in communication with the said device.

Consider **claim 2**, and **as it applies to claim 1 above**, Kelton et al., as modified by Jouppi et al., further show and disclose a method wherein provisioning the QoS needs of the non-QoS capable device comprises initiating a reservation with the gateway on behalf of the non-QoS capable device (in Kelton et al. reference, paragraphs 0014-0015 that describe the QoS needs of a non-QoS capable device, and how the multimedia server of Fig.1 provisions for those needs by appropriately reserving and then allocating channel resources for the non-QoS capable devices).

Consider **claim 6**, and **as it applies to claim 1 above**, Kelton et al., as modified by Jouppi et al., further disclose a method wherein the provisioning the QoS needs of the device into the gateway utilizing the reservation protocol comprises employing a manual reservation operation (in Kelton et al. reference, paragraph 0020, lines 8-11 which disclose that unequal access time to communication channels may be assigned based on each client's desired channel consumption, desired quality of service, etc., thereby disclosing a manual reservation operation; **in Jouppi et al. reference, paragraph 0038 which further discloses that the user may set up his/her own requirements for the quality of service, including minimum bit rate or maximum price for the connection, and/or other QoS parameters for the connection).**

Consider **claim 8**, and **as it applies to claim 1 above**, Kelton et al., as modified by Jouppi et al., further disclose the claimed method, including regulating traffic on the home LAN for each home LAN device associated therewith based on a prioritization of a QoS parameter provisioned by the non-QoS capable home LAN device on the home network (in Kelton et al. reference, Fig. 23 that shows different TDMA slot widths being set up for different client types; paragraph 0174 that discloses priority assignments for “preferred” customers, by regulating the width of the timeslots (in TDMA transmission mode) that controls the bandwidth a given client may use (a QoS parameter) provisioned by the non-QoS capable home LAN device on the home network.

Consider **claim 10**, Kelton et al. disclose a method of QoS provisioning a non-QoS capable home LAN device on a home network (Figs. 1-5 that show a multimedia server wirelessly linked with wireless devices in various combinations with QoS and non-QoS multimedia rendering devices on a home LAN; paragraph 0008 that discloses an in-home local area network with a server providing access to the Internet for the connected devices; paragraph 0174 that discloses QoS features of the invention, including reserving longer timeslots (in a TDMA transmission) for “preferred” customers, so as to provide them with larger bandwidth than the non-QoS customers), comprising: monitoring communication traffic from the non-QoS capable home LAN device on the home network (Fig. 1; paragraph 0047 that describes monitoring the request from a wireless device for providing multimedia data from the non-QoS capable home LAN device on the home network; paragraphs 0050-0053 provide additional details);

determining the QoS needs of the non-QoS capable home LAN device based on the traffic of the non-QoS device (paragraph 0014, that describes the process of determining the QoS needs of the non-QoS capable home LAN devices; paragraph 0017 that discloses a method for allocating communication channel capacity in a WLAN among a plurality of clients);

provisioning the QoS needs of the device utilizing a reservation protocol comprising a proxy interface on the home network (paragraphs 0018-0022 that disclose different provisioning methods used by the server utilizing a reservation protocol);

prioritizing the data communication traffic between a plurality of home LAN devices on the home network based on the QoS needs of all the QoS capable and non-QoS capable devices on the home network (paragraph 0015 that describes different scenarios that require time-changing needs of client devices and channel resources, as well as priority based resource allocation; paragraph 0174 that also discloses priority bases resource allocations);

adjusting the QoS parameters of the QoS capable home LAN devices based on the traffic priorities established (paragraph 0015 that discloses several adjustments to the QoS parameters of the QoS capable home LAN devices based on the traffic priorities established); and

transmitting the data communications between the home LAN devices on the home network based on the QoS needs of all the devices on the home network (Fig. 1; paragraph 0052-0053 that describe how the server transmits multimedia data to various devices on the home LAN by multiplexing the data allocated to each device).

However, Kelton et al. do not specifically disclose ***employing a manual reservation operation.***

In the same field of endeavor, Jouppi et al. disclose the claimed method, including ***employing a manual reservation operation (Fig. 2; paragraph 0038 which discloses that the user may manually set up his/her own requirements for the quality of service, including minimum bit rate or maximum price for the connection, and/or other QoS parameters for the connection).***

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to employ a manual reservation operation, as taught by Jouppi et al., in the method of Kelton et al., so as to provide a connection meeting QoS requirements specified by the user.

Consider **claim 11**, and **as it applies to claim 10 above**, Kelton et al., as modified by Jouppi et al., further show and disclose a method wherein provisioning the QoS needs of the non-QoS capable device comprises initiating the reservation with the gateway on behalf of the non-QoS capable device (in Kelton et al. reference, paragraphs 0014-0015 that describe the QoS needs of a non-QoS capable device, and how the multimedia server of Fig.1 provisions for those needs by appropriately reserving and then allocating channel resources for the non-QoS capable devices).

Consider **claim 12**, and **as it applies to claim 10 above**, Kelton et al., as modified by Jouppi et al., further disclose a method wherein transmitting the data communications comprises:

prioritizing the data communications traffic between a plurality of home LAN devices on the home network based on the QoS needs of all the QoS capable and non-QoS capable devices on the home network (in Kelton et al. reference, paragraph 0015 that describes different scenarios that require time-changing needs of client devices and channel resources, as well as priority based resource allocation; paragraph 0174 that also discloses priority bases resource allocations); and

adjusting the QoS parameters of the QoS capable home LAN devices based on the traffic priorities established (in Kelton et al. reference, paragraph 0015 that discloses several adjustments to the QoS parameters of the QoS capable home LAN devices based on the traffic priorities established).

Consider **claim 13**, and **as it applies to claim 10 above**, Kelton et al., as modified by Jouppi et al., further disclose a method further comprising:

establishing a connection between the devices on the home LAN (in Kelton et al. reference, Fig. 5 that shows client wireless devices 26-34 establishing connection with home LAN devices via multimedia server 132; paragraph 0074 that discloses the same details); and

managing an exchange of information between the devices based on the QoS needs of the non-QoS capable device on the network (in Kelton et al. reference, paragraph 0074

that further discloses how the multimedia server 132 manages an exchange of information between the devices based on the QoS needs of the non-QoS capable device on the network; also paragraph 0174 that discusses the QoS aspect of the disclosed invention).

Consider **claim 14**, and **as it applies to claim 10 above**, Kelton et al., as modified by Jouppi et al., further disclose a method wherein the monitoring the traffic from the non-QoS capable home LAN device on the network comprises: monitoring the data communications from the non-QoS capable device to determine one of a minimum bandwidth, maximum bandwidth, delay, and a QoS parameter or requirement of the device on the home network (in Kelton et al. reference, paragraph 0176 that discloses the multimedia server monitoring the bandwidth requirements of different non-QoS devices on the home network); and storing the QoS parameter associated with the device in a location accessible to the home network (in Kelton et al. reference, Fig. 23, that shows different sized TDMA packets being reserved based on the bandwidth requirements of different clients, thereby disclosing that the required bandwidth value for each client is saved in a location accessible to the home network).

Consider **claim 18**, and **as it applies to claim 10 above**, Kelton et al., as modified by Jouppi et al., further show and disclose the claimed method, including regulating traffic on the home LAN for each home LAN device based on a prioritization

of a QoS parameter provisioned by the non-QoS capable home LAN device on the home network (in Kelton et al. reference, Fig. 23 that shows different TDMA slot widths being set up for different client types; paragraph 0174 that discloses priority assignments for "preferred" customers, by regulating the width of the timeslots (in TDMA transmission mode) that controls the bandwidth a given client may use (a QoS parameter) provisioned by the non-QoS capable home LAN device on the home network.

Consider **claim 19**, Kelton et al. show and disclose a method of QoS provisioning a non-CH compatible home LAN device on a home network using a gateway having a portal service proxy interface (Figs. 1-5 that show a multimedia server wirelessly linked with wireless devices in various combinations with QoS and non-QoS multimedia rendering devices on a home LAN; paragraph 0008 that discloses an in-home local area network with a server providing access to the Internet for the connected devices; paragraph 0174 that discloses QoS features of the invention, including reserving longer timeslots (in a TDMA transmission) for "preferred" customers, so as to provide them with larger bandwidth than the non-QoS customers), the method comprising: requesting the QoS needs of a non-CH compatible home LAN device from a client using the portal service proxy interface (paragraph 0014, that describes the QoS needs of the non-QoS capable home LAN devices; paragraph 0017 that discloses a method for allocating communication channel capacity in a WLAN among a plurality of clients);

provisioning the QoS needs of the device into the gateway utilizing a reservation protocol (paragraphs 0018-0022 that disclose different provisioning methods used by the server utilizing a reservation protocol);

prioritizing the data communications traffic between a plurality of home LAN devices on the home network based on the QoS needs of the CH capable and non-CH compatible devices on the home network (paragraph 0015 that describes different scenarios that require time-changing needs of client devices and channel resources, as well as priority based resource allocation; paragraph 0174 that also discloses priority bases resource allocations);

adjusting the QoS parameters of all the CH capable home LAN devices based on the established traffic priorities (paragraph 0015 that discloses several adjustments to the QoS parameters of the QoS capable home LAN devices based on the traffic priorities established); and

transmitting the data communications between the home LAN devices on the home network based on the QoS needs of the devices on the home network (Fig. 1; paragraph 0052-0053 that describe how the server transmits multimedia data to various devices on the home LAN by multiplexing the data allocated to each device).

However, Kelton et al. do not specifically disclose ***employing a manual reservation operation.***

In the same field of endeavor, Jouppi et al. disclose the claimed method, including ***employing a manual reservation operation*** (Fig. 2; paragraph 0038 which discloses that the user may manually set up his/her own requirements for the

quality of service, including minimum bit rate or maximum price for the connection, and/or other QoS parameters for the connection).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to employ a manual reservation operation, as taught by Jouppi et al., in the method of Kelton et al., so as to provide a connection meeting QoS requirements specified by the user.

Consider **claim 20**, and **as it applies to claim 19 above**, Kelton et al., as modified by Jouppi et al., further show and disclose a method wherein provisioning the QoS needs of the device into the gateway comprises initiating the reservation from the gateway on behalf of the non-CH compatible device to the other home LAN devices on the home network (in Kelton et al. reference, paragraphs 0014-0015 that describe the QoS needs of a non-QoS capable device, and how the multimedia server of Fig.1 provisions for those needs by appropriately reserving and then allocating channel resources for the non-QoS capable devices).

Consider **claim 21**, and **as it applies to claim 19 above**, Kelton et al., as modified by Jouppi et al., further disclose a method wherein requesting the QoS needs of a non-CH compatible home LAN device from a client using the portal service proxy interface comprises:
running an HTTP protocol on a web browser to manually poll the client for the one or more QoS parameters of the non-CH compatible home LAN device on the home

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network (in Kelton et al. reference, paragraph 0060, lines 3-13 that disclose the multimedia server running web browser applications and receiving requests from wireless devices 46-54, for their respective clients 26-34, an indication of desire to access the wide area network 44); and receiving and storing the one or more QoS parameters in the gateway (paragraph 0015, lines 5-9 that disclose a user or a system administrator providing client priority level to receive QoS preference; paragraph 0021, lines 10-13 that disclose the same details).

Consider **claim 25**, and **as it applies to claim 19 above**, Kelton et al., as modified by Jouppi et al., further show and disclose the claimed method, including regulating traffic on the home LAN for each home LAN device based on a prioritization of a QoS parameter provisioned of the non-CH compatible home LAN device on the home network (in Kelton et al. reference, Fig. 23 that shows different TDMA slot widths being set up for different client types; paragraph 0174 that discloses priority assignments for "preferred" customers, by regulating the width of the timeslots (in TDMA transmission mode) that controls the bandwidth a given client may use (a QoS parameter) provisioned by the non-QoS capable home LAN device on the home network.

Claims 5, 15 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Kelton et al. (U.S. Patent Application Publication # 2004/0125779 A1)** in view

of **Jouppi et al. (U.S. Patent Application Publication # 2002/0177413 A1)** and further in view of **Widegren et al. (U.S. Patent Application Publication # 2002/0120749 A1)**.

Consider **claim 5**, and **as it applies to claim 1 above**, Kelton et al., as modified by Jouppi et al., show and disclose the claimed method, except wherein the provisioning the QoS needs of the non-QoS capable home LAN device into the gateway comprises transmitting the QoS needs to a subnet bandwidth manager associated with the home network using the reservation protocol.

In the same field of endeavor, Widegren et al. do show and disclose that provisioning the QoS needs of the non-QoS capable home LAN device into the gateway comprises transmitting the QoS needs to a subnet bandwidth manager associated with the home network using the reservation protocol (Fig. 3, non-QoS provisioned "Host" to the right, transmitting its QoS needs to a subnet bandwidth manager labeled "R" to the left of the "Host"; paragraph 0013 that discloses the same details).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide a QoS-enabled subnet bandwidth manager that can direct the QoS needs of a non-QoS capable home LAN device to the gateway capable of using the reservation protocol, as taught by Widegren et al., in the method of Kelton et al., as modified by Jouppi et al., so that the non-QoS provisioned device can provide QoS services by using the gateway as a proxy for RSVP protocol initiation.

Consider **claim 15**, and **as it applies to claim 10 above**, Kelton et al., as modified by Jouppi et al., show and disclose the claimed method, except wherein provisioning the QoS needs of the device utilizing the reservation protocol comprises employing a subnet bandwidth manager associated with home network.

In the same field of endeavor, Widegren et al. do show and disclose that provisioning the QoS needs of the non-QoS capable home LAN device into the gateway comprises transmitting the QoS needs to a subnet bandwidth manager associated with the home network using the reservation protocol (Fig. 3, non-QoS provisioned "Host" to the right, transmitting its QoS needs to a subnet bandwidth manager labeled "R" to the left of the "Host"; paragraph 0013 that discloses the same details).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide a QoS-enabled subnet bandwidth manager that can direct the QoS needs of a non-QoS capable home LAN device to the gateway capable of using the reservation protocol, as taught by Widegren et al., in the method of Kelton et al., as modified by Jouppi et al., so that the non-QoS provisioned device can provide QoS services by using the gateway as a proxy for RSVP protocol initiation.

Consider **claim 22**, and **as it applies to claim 19 above**, Kelton et al., as modified by Jouppi et al., show and disclose the claimed method, except wherein the provisioning into the gateway the QoS needs of the device utilizing the reservation protocol comprises employing a subnet bandwidth manager associated with the home network.

In the same field of endeavor, Widegren et al. do show and disclose that provisioning the QoS needs of the non-QoS capable home LAN device into the gateway comprises transmitting the QoS needs to a subnet bandwidth manager associated with the home network using the reservation protocol (Fig. 3, non-QoS provisioned "Host" to the right, transmitting its QoS needs to a subnet bandwidth manager labeled "R" to the left of the "Host"; paragraph 0013 that discloses the same details).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide a QoS-enabled subnet bandwidth manager that can direct the QoS needs of a non-QoS capable home LAN device to the gateway capable of using the reservation protocol, as taught by Widegren et al., in the method of Kelton et al., as modified by Jouppi et al., so that the non-QoS provisioned device can provide QoS services by using the gateway as a proxy for RSVP protocol initiation.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Kelton et al. (U.S. Patent Application Publication # 2004/0125779 A1)** in view of **Jouppi et al. (U.S. Patent Application Publication # 2002/0177413 A1)** and further in view of **Williams et al. (U.S. Patent Application Publication # 2002/0133600 A1)**.

Consider **claim 7**, and as it applies to **claim 1 above**, Kelton et al., as modified by Jouppi et al., show and disclose the claimed method, except wherein the provisioning the QoS needs of the device into the gateway utilizing the reservation protocol comprises employing an automatic reservation detection operation.

In the same field of endeavor, Williams et al. do show and disclose that provisioning the QoS needs of the device into the gateway utilizing the reservation protocol comprises employing an automatic reservation detection operation (Figs. 6, non-enabled RSVP Host 88 using GGSN 96 as RSVP Proxy for provisioning its QoS needs; Fig. 8, PDP Context Request block with RSVP Proxy Flag included, the flag value set by the non-QoS provisioned host 88, to employ an automatic reservation detection operation by the gateway 96; paragraph 0050, lines 1-19 that disclose the same details).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to employ an automatic reservation detection operation between a non-QoS-enabled device and its RSVP Proxy, as taught by Williams et al., in the method of Kelton et al., as modified by Jouppi et al., so that the non-QoS provisioned device can provide QoS services by using the gateway as a proxy for RSVP protocol initiation.

Response to Arguments

Applicant's arguments with respect to **claims 1, 2, 5-8, 10-15, 18-22 and 25** have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any response to this Office Action should be **faxed to (571) 273-8300 or mailed to:**

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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Hand-delivered responses should be brought to

Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Kishin G. Belani whose telephone number is (571) 270-1768. The Examiner can normally be reached on Monday-Friday from 6:00 am to 5:00 pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Tonia Dollinger can be reached on (571) 272-4170. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-0800.

/K. G. B./
Examiner, Art Unit 2143

September 16, 2008

/Tonia LM Dollinger/
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